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March 2, 2004

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application Serial No. 09/987,899 filed November 16, 2001  
Inventors: Nordine CHEIKH *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated  
with the Carbon Assimilation Pathway  
Atty. Dkt: 16517.258

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Request to Rescind Prior Request and Certification under 37 C.F.R. § 1.213(b) (with accompanying Exhibit A); and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.258. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)  
Holly Logue Prutz (Reg. No. 47,755)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nordine CHEIKH *et al.*

Appl. No.: 09/987,899

Filed: November 16, 2001

Confirmation No. 7754

Art Unit: 1631

Examiner: Ardin H. MARSCHEL

Atty. Docket: 38-21(15091)C/16517.258

For: Nucleic Acid Molecules and Other Molecules Associated with the Carbon Assimilation Pathway

**Request to Rescind Prior Request and Certification  
Under 37 C.F.R. § 1.213(b)**

Attn.: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1405  
Alexandria, VA 22313-1450

Sir:

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe that any fees are due in conjunction with this filing; however, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, authorization is given in the accompanying transmittal letter to charge such fees to counsel's deposit account.

Applicants hereby request that the Request for Non-Publication and Certification Under 35 U.S.C. §122(b) filed on November 16, 2001, in the above-captioned U.S. application be rescinded in accordance with 37 C.F.R. § 1.213(b).

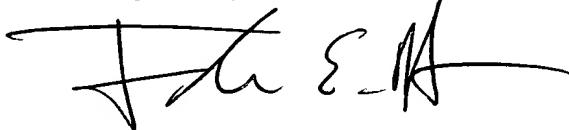
On November 16, 2001, the above-captioned U.S. application was filed with a Request for Non-Publication, which contained a certification under 35 U.S.C. § 122(b)(2)(B)(i), including a statement that the invention "has not and will not be the subject

of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing." (Request attached hereto as Exhibit A).

Applicants wish to rescind the request for non-publication filed on November 16, 2001, for the above-captioned U.S. application.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,



Thomas E. Holsten (Reg. Agent No. 46,098)  
Holly Logue Prutz (Reg. Atty No. 47,755)  
David R. Marsh (Reg. Atty No. 41,408)  
ARNOLD & PORTER LLP

Date: March 2, 2004

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PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor CHEIKH, Nordine, et al.

Title Nucleic Acid Molecules and Other Molecules Associated with  
the Carbon Assimilation Pathway

Atty Docket Number 16517.258

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 16, 2001

Date

Signature

David R. Marsh, Reg. No. 41,408  
June E. Cohan, Reg. No. 43,741

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.